IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 13677 of 2005

Between:

M.D. Abdul Aziz, S/o. Abdul Rajaq, C/o. Ahmedia Tent House,
Opp. Ravi I.T.I., H.No.14-1-114, Sastry Road, Paloncha,
Khammam District-507 115.

..... PETITIONER

AND

1 The Power Generation Corporation Ltd., Vidyutsoudha, Somajiguda, Hyderabad, rep. by its Managing Director.
2 The Chief Engineer (O&M), Kothagudem Thermal Power Station, V Stage, Paloncha, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ order or direction particularly one in the nature of writ of mandamus declaring the action of 1st respondent in not considering and disposing of the petitioner's representation dt. 14.10.2004 for appointing the petitioner as J.P.A. on preferential basis in the existing vacancies on par with other contract labour as arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the 1st respondent to consider and dispose of the petitioner's representation dt. 14.10.2004 for appointing him as J.P.A. on par with others on preferential basis.

Counsel for the Petitioner:MR.CHANDRAIAH SUNKARA

Counsel for the Respondent No.: SMT. E.URMILA

The Court made the following :

O R D E R:

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1. This writ petition is filed by the petitioner aggrieved by the action of respondents in not considering the representation of the petitioner

dated 14.10.2004 for being appointed as Junior Plant Assistant on preferential basis in the existing vacancies on par with other Contract Labour.

2. According to the petitioner, he passed S.S.C. and also I.T.I. Course in Electrical Trade. He also completed the course of apprenticeship training under Navabharath Ferro Alloys Ltd., from 25.02.1993 to 24.02.1994. There after, the petitioner worked as Contract Labour from 01.08.1995 to 01.08.1997 as Electrician through Indwell Constructions Ltd., There after, he worked as Contractor under one K.Krishna Reddy from 01.09.1997 to 10.10.1998 and attended the General & Overhaul Maintenance works at KTPS complex. He worked as Contract Labour from 01.01.1999 to 30.10.2001 under Mannar Engineers Contractor, Old Paloncha and attended General & Overhaul maintenance works at KTPS Complex, KTPS-V stage. It is also stated that as per the notification issued by A.P.Genco Ltd., dated 02.02.1999 for filling up of 222 posts of Junior Plant Assistants giving preference or weightage to the Contract Labour. According to the petitioner, some of the persons claiming the benefit filed W.P.No.4465 of 1999 and sought for directions for filling up of the said vacancies with the contract labour and this court directed the respondents to allow the members to participate in the selection to the posts of Junior Plant Assistant, by receiving their applications without reference to maximum age of 25 years and accordingly allowed the writ petition. It is further stated that as per the petitioner's information, out of 224 vacancies only 132 vacancies are filled up and still 90 vacancies are left unfilled. Therefore, the petitioner made a representation seeking consideration of his case on preferential basis. But, however, the respondents did not consider the

representation. Hence, this writ petition is filed.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. In view of the pendency of the representation of the petitioner, dated 14.10.2004, 1st respondent is directed to consider the said representation and pass appropriate orders preferably within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of. No costs.

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S.ANANDA REDDY J.,

Dt. 04.07.2005

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To

1) 2 CD copies

2) 1 CC to MR.CHANDRAIAH SUNKARA

3) 1 CC to SMT. E.URMILA

4) Managing Director, Power Generation Corporation Ltd., Vidyutsoudha, Somajiguda, Hyderabad.

5) The Chief Engineer (O&M), Kothagudem Thermal Power Station,
V Stage, Paloncha, Khammam District.